C T SYSTEM®
C T Corporation System
The Corporation Trust Company

SERVICE OF PROCESS TRANSMITTAL FORM

AUG 2 1982

E-bring in file for a special letter. JGN

Indianapolis, Indiana
(City) (State)
7/29/82
(Date)

TO: Legal Dept.
Monsanto Company
Att: Joseph G. Nassif
800 N. Lindbergh Blvd.
St. Louis, MO 63166

(x) Via Certified First Class Mail

( ) Via Messenger

RE: PROCESS SERVED IN INDIANA
(Jurisdiction)

FOR MONSANTO COMPANY (DEL)
(Name of Company) (Domestic State)

ENCLOSED ARE COPIES OF LEGAL PROCESS SERVED UPON OR RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

1. TITLE OF ACTION: Robert Miller, et al vs. Bloomfield Silo Co., Inc., and Monsanto Co.

2. DOCUMENT(S) SERVED: (X) Summons (X) Complaint
(x) Demand for Jury Trial

3. COURT: ( ) Superior Court, In. Cause No.
(x) Greene Co. Circuit C82-320

4. NATURE OF ACTION: Plffs. allege toxic chemicals, (PCBs) found in materials, mfg. by Monsanto, to build silo thus resulting in plff's herd to produce milk with high levels of PCBs. Plff. prays judgment which will compensate them for damages of silo, losses in milk and reduction of dairy herd.

5. ( ) PROCESS SERVED ON: C T Corporation System in Indianapolis, Indiana
(X) PROCESS RECEIVED BY: C T Corporation System in Indianapolis, Indiana
FROM: Court Clerk 7/28/82
Envelope Post Marked _____ enclosed.

6. DATE AND HOUR OF SERVICE: 7/29/82 10am

7. APPEARANCE OR ANSWER DUE: ( ) Within 20 days.
(x) 23 days

8. PLAINTIFF'S ATTORNEY(S): Richard J. Wood, East Side Sq., PO Box 785, Bedford, IN 47421 812/275-5835

9. REMARKS: ( ) This confirms our telephone call to your office.
( ) Above telephoned to C T office and is sent to you per their instructions

Note discrepancy in corporate title.

KINDLY ACKNOWLEDGE RECEIPT BY SIGNING
THE CARBON COPY AND RETURNING IT TO →

Signed C T CORPORATION SYSTEM
Per Nancy Maguire
Address 1011 Merchants Bank Bldg.
Indianapolis, Indiana 46204

CT 315-3.5M-10/79

Revised 1980

SUMMONS

In the
CIRCUIT, ~~SUPERIOR COUNTY~~ COURT OF
GREENE ~~LAWRENCE~~ COUNTY, INDIANA

Robert Miller, Phyllis Miller,

Stephen Miller and Beverly Miller
Plaintiff

—vs—

CAUSE No. C-82-320

Bloomfield Silo Co., Inc.,

and Monsanto Co.
Defendant

TO DEFENDANT: (Name) Monsanto Co.
c/o C. T. Corp. System (Res. agent)

(Address) 1011 Merchants Bank Building

Indianapolis, Indiana 46204

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

DATED: 7-28, 1982.

Valis D. Bengtson (Seal)
Clerk of the Circuit Court of ~~Lawrence~~ Greene County

(The following manner of service of summons is hereby designated.)

XX ~~Registered or~~ certified mail. - return receipt requested.

____ Service on individual — (Personal or copy) at above address.

____ Service at place of employment, to-wit: ____

XX Service on agent. (Specify) C. T. Corp. System

____ Other service. (Specify) ____

MELLEN, MELLEN & WOOD
Attorney for Plaintiff

East Side Square
P. O. Box 785
Address

Bedford, Indiana 47421
(812) 275-5835
Telephone

HARTOLDMON0095956

AUG 2 198

State of Indiana, Greene County, SS

In the Greene Circuit Court,

Annual Term, 1982.

FILED

JUL 28 1982

Julie D. Bingham

GREENE CIRCUIT COURT CLERK

Robert Miller,
Phyllis Miller,
Stephen Miller,
and Beverly Miller

vs.

Cause No. C-82-320

Bloomfield Silo Co., Inc.,
and Monsanto Co.

COMPLAINT

Come now the plaintiffs and complain of the defendants, jointly and severally, as follows:

1. At all times material, defendant, Bloomfield Silo Co., Inc., was in the business of silo construction, and defendant, Monsanto Co. was in the business of chemical manufacturing.

2. Plaintiffs, Robert Miller and Phyllis Miller, are owners of real property in Greene County, Indiana, and are partners in a dairy farm operation with plaintiffs, Stephen Miller and Beverly Miller.

3. In 1969 or 1970, the exact date is known to defendant, Bloomfield Silo Co., Inc., plaintiff, Robert Miller, contracted with defendant, Bloomfield Silo Co., Inc., to build upon plaintiffs' real property a silo.

4. Defendant, Bloomfield Silo Co., Inc., did so construct a silo on plaintiffs' real property. Unknown to plaintiffs, contained in materials used to construct said silo were the toxic chemicals, polychlorinated biphenyls (PCBs).

5. Defendant, Monsanto Co., was the manufacturer of the

toxic chemicals, polychlorinated biphenyls (PCBs), contained in materials used to construct said silo.

6. Upon completion of the silo construction, plaintiffs used said silo to store silage which they would then feed to their Grade A dairy cattle.

7. The Indiana State Board of Health, along with local health departments, began to test the milk of Indiana dairy herds in 1976 for the presence of PCBs.

8. Plaintiffs' dairy herd was first so tested on August 3, 1976, and plaintiffs were informed by letter dated August 20, 1976, that PCBs were found in their herd's raw milk.

9. PCBs in milk comes from milk cows which have been fed with feedstuffs stored in a silo which had been coated with a product containing PCBs. This product is called "cumar" and is a product of Monsanto Co.

10. In 1977, the exact date is known to defendant, Bloomfield Silo Co., Inc., in an attempt to remedy the situation, defendant, Bloomfield Silo Co., Inc., recoated plaintiffs' contaminated silo with a non-toxic substance.

11. After experiencing a reduction of the amount of PCBs in plaintiffs' herd's raw milk, the PCB level in said raw milk reached a new high level in 1978.

12. In an additional attempt by defendant, Bloomfield Silo Co., Inc., to further remedy the situation, defendant, Bloomfield Silo Co., Inc., once again recoated plaintiffs' contaminated silo in 1980, the exact date is known to defendant, Bloomfield Silo Co., Inc.

13. In 1981, the amount of PCBs in plaintiffs' herd's raw milk reached a new high level and plaintiffs have been forced to

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discontinue feeding their herd silage from the contaminated silo.

14. On February 8, 1982, plaintiffs received a letter by certified mail from the Indiana State Board of Health notifying them that their cumar coated concrete silo was going to be condemned by the State Board of Health, said board having determined that PCB contamination may be a cancer causing agent.

15. That the Indiana State Board of Health officially condemned the silo of plaintiffs in June of 1982, ending for the plaintiffs any hope of future use of the silo, and as a result of the construction of said silo by the defendants, in which they used contaminated materials, plaintiffs have now been damaged in the amount of the value of the silo, loss of milk production, and reduction in the size of their dairy herd in an amount in excess of Two Hundred Thousand ($200,000.00) Dollars.

WHEREFORE, plaintiffs pray for judgment against defendants for just compensation of their damages, for the cost of this action, and all other proper relief in the premises.

MELLEN, MELLEN & WOOD
Attorneys for Plaintiffs

By: Richard J. Wood
Richard J. Wood

MELLEN, MELLEN & WOOD
Attorneys at Law
East Side Square
P.O. Box 785
Bedford, IN 47421
Phone (812) 275-5835

PRAECIPE

Clerk will please issue Summons by Certified Mail, Return Receipt Requested, for service upon the defendants, Bloomfield Silo Co., Inc. and Monsanto Co.

MELLEN, MELLEN & WOOD
Attorneys for Plaintiffs

By: _____
Richard J. Wood

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Attorneys at Law
East Side Square
P.O. Box 785
Bedford, IN 47421
Phone (812) 275-5835

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial on all issues herein.

MELLEN, MELLEN & WOOD
Attorneys for Plaintiffs

By: _____
Richard J. Wood

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Attorneys at Law
East Side Square
P.O. Box 785
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